

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	8:13CR135
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
DANIEL T. RAY,)	
)	
Defendant.)	

This matter is before the court on Magistrate Judge Thalken's findings and recommendation. (Filing [33](#).) The magistrate recommends that Defendant Daniel T. Ray's motion to suppress (filing [21](#)) be denied. (Filing [33](#) at CM/ECF p. 10.) Defendant has filed an objection to the magistrate judge's findings and recommendation. (Filing [44](#).) Plaintiff has filed a response to the objection. (Filing [47](#).) I have conducted a de novo review of the record, including Defendant's objection and Plaintiff's response to Defendant's objection.

Defendant objects to the magistrate judge's findings and recommendation because he believes the search of his gym bag was unlawful. (Filing [45](#) at CM/ECF p. 1.) However, the magistrate judge provided multiple reasons to support his conclusion that the search was permissible. (Filing [33](#) at CM/ECF p. 8-10.) Among these reasons, the magistrate judge concluded the officers could have reasonably believed they would find other evidence related to the offense of obstructing a police officer and carrying a concealed weapon. See [United States v. Casteel, 717 F.3d 635, 646 \(8th Cir. 2013\)](#) (finding reasonable suspicion existed to find ammunition or paperwork related to a firearms investigation inside the vehicle after firearms recovered).

In short, I find that inasmuch as the magistrate judge has fully, carefully, and correctly found the facts and applied the law, the magistrate judge's findings and

recommendation should be adopted and Defendant's motion to suppress should be denied.

Accordingly,

IT IS ORDERED that:

1. The magistrate judge's findings and recommendation (filing [33](#)) is adopted.
2. Defendant Daniel T. Ray's motion to suppress (filing [21](#)), and objection to the magistrate judge's findings and recommendation (filing [44](#)) are denied in all respects.

DATED this 30th day of August, 2013.

BY THE COURT:

Richard G. Kopf

Senior United States District Judge

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